UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

May 12, 2013

Rick Brazell
Forest Supervisor
Nez Perce-Clearwater National Forest
903 Third Street
Kamiah, Idaho 83536

Re: U.S. Environmental Protection Agency comments on the Draft Environmental Impact Statement for the Nez Perce-Clearwater National Forest Crooked River Valley Rehabilitation Project (EPA Project Number: 13-0007-AFS).

Dear Mr. Brazell:

The EPA has reviewed the Draft Environmental Impact Statement for the proposed Crooked River Rehabilitation Project located on the Nez Perce-Clearwater National Forest. Our review of the DEIS was conducted in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

The DEIS analyzes the Forest Service proposal to restore two miles of the Crooked River, which has been significantly degraded from past land management practices such as dredge mining and road activities. The DEIS includes a no action alternative and the proposed action to rehabilitate the lower two miles of the Crooked River valley bottom by restoring the natural floodplain, river meander, and riparian that has been damaged from historic dredge mining. The Forest Service's Notice of Intent also discussed a secondary purpose and connected proposal - realigning the Crooked River road to reduce sediment delivery to surface water and reduce the risk of continual flooding of the Crooked River Road. The DEIS removed this action from further analysis due to the need for additional information.

Overall, we support the purposes of this project and commend the USFS for addressing the historic alteration to the river valley from past mining. Based on our review, we are rating the DEIS as LO (Lack of Objections). In addition, we are including recommendations that we believe may improve the disclosure and clarity of information regarding water quality, wetlands, and construction activities in the EIS.

Water Quality

Sediment and temperature Total Maximum Daily Loads have been developed for the South Fork of the Clearwater River subbasin[1], which includes the Crooked River. Actions to meet reduction targets are necessary to support beneficial uses. We believe this project will significantly improve water quality and habitat. In the following comments, we offer some recommendations regarding inclusion of additional information about the predicted temperature decreases and sediment reductions in the final EIS.

[1] IDEQ et al. 2004. *South Fork Clearwater River Subbasin Assessment and TMDLs.*

Although the DEIS refers to the River Design Group final design report for specific details (i.e., RDG 2012b), it is unclear what method was used to predict the average effective shade. The TMDL established a 24 percent increase in effective shade to achieve beneficial uses for cold water and salmon spawning. We are very pleased to note that average effective shade is expected to increase from 32 percent to 83 percent after implementation of the project. This is well above the TMDL target. We recommend that a summary of the methods/models used to form the basis of conclusions related to temperature be included in the final EIS.

The DEIS does not specifically address the sediment portion of the TMDL. We acknowledge that restored hydrology/sinuosity will improve the river's sediment transport and capacity; however, the DEIS does not identify TMDL targets or the timeframe for attaining standards. In addition, one potential issue related to sediment that affects water quality is the proximity of roads to surface water. The Notice of Intent (December 2012) discussed the Narrows Road as a source of sediment affecting the Crooked River and provided options for addressing this issue. Although the road component was eliminated from further consideration in the DEIS, it remains as part of the cumulative effects analysis and potential future foreseeable actions. We recommend that the final EIS disclose how the project will comply with sediment targets established for the watershed. We also encourage the USFS to obtain the necessary information to further assess the Narrows Road and consider evaluating alternatives through a subsequent NEPA analysis as stated in the DEIS.

We are also unclear if an NPDES Stormwater Construction General Permit is applicable for this project. We provided information on the EPA Region 10's Stormwater Construction General Permit in our scooping comments (January 2013). The EPA R10's CGP is required for projects affecting over one acre in disturbance. The project boundary should include areas for stockpile, equipment, any facilities, and temporary storage. To assist in understanding the permit requirements, the operator should identify potential pollutant sources in relation to possible points of discharge. To avoid impacts to surface water, best management practices must be properly selected, installed and maintained to contain or reduce each pollutant (e.g., sediment, oil, grease, and other toxic pollutants). BMPs include structural and non-structural actions. We recommend that the final EIS discuss the applicability of NPDES to the project and include a discussion of BMPs that would be employed at the site to ensure water quality protection. More information on NPDES can be obtained by visiting the EPA R10 website at: http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/Region+10+CGP+resources/

Wetlands

Without a Clean Water Act (CWA) 404(b)(1) analysis, the EPA cannot make any preliminary determination that the least environmentally damaging practicable alternative is Alternative 2, analyzed in the EIS. We understand that the analysis is still being developed, and that the intent is to have it included as an appendix (Appendix B) to the final EIS. This analysis will include impacts to all waters of the U.S. and not limited to wetlands. While other alternatives were considered but eliminated from detailed study, the 404(b)(1) analysis must consider all alternatives and demonstrate how the selected alternative meets the LEDPA.

The EPA will review the U.S. Army Corps of Engineer's Public Notice (PN) for Application for Permit (CWA 404) for this project when it is published. The EPA likely will have specific comments based on the PN, understanding that the project as described in the DEIS clearly provides a net benefit to the Crooked River valley aquatic ecosystem.

Construction Phasing

The construction for the rehabilitation of the Crooked River would occur in four phases beginning in 2015. Table 2-1 also includes two options for floodplain grading of different stream reaches. We found portions of this section in the document to be unclear. It was our understanding that floodplain grading would occur as part of the construction phases rather than be optional. Listing floodplain grading actions as options seems to suggest that this activity may not occur. We believe that restoring the floodplain is critical in promoting a naturally functioning river system. We recommend that the final EIS include an expanded discussion on the options and how the decision would be made to implement either or both options. In addition, the construction phases discuss activities that would occur at various channel stations (e.g., channel station 31+00). It is difficult to identify the referenced stations on any of the figures in the document. We suggest modifying the figures to more clearly identify channel stations for bypass channel and new channel locations.

We appreciate the opportunity to review and comment on the DEIS. If you have any questions about our review, please contact me at 206-553-1601, or by electronic mail at reichgott.christine@epa.gov, or you may contact Lynne Hood of my staff at 208-378-5757 or by electronic mail at mcwhorter.lynne@epa.gov.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

1. EPA Rating System for Draft Environmental Impact Statements

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.